

REGISTER

South Dakota Legislative Research Council



Volume 32

Monday, 8:00 a.m., February 13, 2006

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Game, Fish and Parks:

(February 9, 2006) intends to amend rules to permit persons with a valid spring turkey license in a designated Unit to possess an uncased bow and arrow, shotgun using shotshells, and a muzzleloading shotgun within the boundary of Sica Hollow State Park during a specified time and to permit a person having a valid concealed pistol permit to possess the concealed pistol while in a state park, recreation area, nature area, and lakeside use area; repeal the park entrance license requirement at Farm Island, Oahe Downstream, West Bend, and Cow Creek Recreation Areas from September 11, 2006, through September 18, 2006; establish the number of "special any deer" licenses available (presently 400 resident and 400 nonresident licenses) and remove the requirement that in the counties of Corson, Dewey, and Ziebach the licenses only permitted the harvest of a "whitetail deer"; modify the "no boating zone" contained in Putney Slough Game Production Area; modify the time when a portion of Helgeson Slough in Clark County is zoned as "no boating"; modify the time when a portion of Rock Crandall Game Production Area and contiguous waters are zoned as "no boating"; and provide a "no boating zone" in the waters of East Stink Lake and certain contiguous waters in Marshall County during certain periods of time; and repeal the following refuges – Corsica Lake State Game Refuge in Douglas County, Dry Lake State Waterfowl Refuge in Hamlin County, Freeman Dam State Game Bird Refuge in Jackson County, and the Four Mile Lake State Game Bird Refuge in Marshall County. The general authority for these rules, as cited by

the department, is SDCL 32-3A-1, 41-2-18, 41-6-21, 41-17-1.1, and 41-17-13.4.

A public hearing will be held at the Cedar Shores Resort, Oacoma, South Dakota, on March 2, 2006, at 2:00 p.m. (CST). Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 Noon on the day prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

Department of Social Services: (February 9, 2006) has filed a rule amendment to increase the maximum amount of spousal resources that may be protected under Medicaid when one spouse is receiving institutionalized care and the other spouse remains at home.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

Department of Social Services: (February 9, 2006) has filed a rule amendment to increase the Supplemental Security Income (SSI) amount.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

FILINGS IN THE SECRETARY OF STATES OFFICE:

On February 9, 2006, the Department of Social Services filed two updates to the Food Stamp Program Certification and Accountability Manual. One update relates to Social Security and supplemental security income (SSI) cost of living adjustments. The second update provides that face-to-face recertification or review interviews may be waived by the department.

Executive Appointments:

Keith W. Corbett, Brookings, was appointed on February 1, 2006, to the position of **Assistant Adjutant General, Army**, effective July 1, 2006, through June 30, 2008.

Steven R. Doohen, Hartford, was appointed on February 1, 2006, to the position of **Assistant Adjutant General, Air**, effective March 6, 2006, through March 5, 2008.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

3-2-2006	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend rules to provide for the continuing educational requirement of law enforcement officers and to set the time frame in which law enforcement officers are to complete specific firearm and continuing educational requirements; to clarify the minimum standards for employment for law enforcement officers; to provide for a written examination for canine certification and to clarify the evaluation that a canine team must undergo; to clarify the renewal requirements for certification of canine teams; to provide a time frame in which a canine handler may repeat the required written examination and to clarify when the yearly skills evaluation can be completed; to clarify the term "evaluation"; and to clarify the minimum standards of employment for certification as 911 telecommunicators; 32 SDR 135.
3-2-2006	Game, Fish, and Parks	Amend rules to permit persons with a valid spring turkey license in a designated Unit to possess an uncased bow and arrow, shotgun using shotshells, and a muzzleloading shotgun within the boundary of Sica Hollow State Park during a specified time and to permit a person

		<p>having a valid concealed pistol permit to possess the concealed pistol while in a state park, recreation area, nature area, and lakeside use area; repeal the park entrance license requirement at Farm Island, Oahe Downstream, West Bend, and Cow Creek Recreation Areas from September 11, 2006, through September 18, 2006; establish the number of "special any deer" licenses available (presently 400 resident and 400 nonresident licenses) and remove the requirement that in the counties of Corson, Dewey, and Ziebach the licenses only permitted the harvest of a "whitetail deer"; modify the "no boating zone" contained in Putney Slough Game Production Area; modify the time when a portion of Helgeson Slough in Clark County is zoned as "no boating"; modify the time when a portion of Rock Crandall Game Production Area and contiguous waters are zoned as "no boating"; and provide a "no boating zone" in the waters of East Stink Lake and certain contiguous waters in Marshall County during certain periods of time; and repeal the following refuges – Corsica Lake State Game Refuge in Douglas County, Dry Lake State Waterfowl Refuge in Hamlin County, Freeman Dam State Game Bird Refuge in Jackson County, and the Four Mile Lake State Game Bird Refuge in Marshall County; 32 SDR 137.</p>
4-4-2006	Environment and Natural Resources: Operator Certification Program	<p>Amend rules to modify the experience requirement for a water/wastewater operator that does not have applicable post-high school education in order to become certified as a Class III or IV operator. Applicable post-high school education includes "college or vocational school majoring in engineering, environmental sciences, or related fields"; 32 SDR 135.</p>

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-first Legislative Session to set the tentative meeting schedule for the 2006 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

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